

11/26/01

11/26/01 U.S. PTO

11-28-01

Customer Number: 000959

A

DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM
UNDER RULE 1.53(b) (former Rule 1.60)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/379,434	PRIOR APPLICATION FILING DATE: AUGUST 23, 1999
TTI-143CPCN2	CLASS:	SUBCLASS:	EXAMINER: A. BAKER	ART UNIT: 1632

COMMISSIONER FOR PATENTS
 BOX PATENT APPLICATION
 U.S. PATENT AND TRADEMARK OFFICE
 P.O. BOX 2327
 ARLINGTON, VA 22202

PTO
09/994425
11/26/01

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: November 26, 2001Mailing Label Number: EL 011 359 655 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, U.S. Patent and Trademark Office, Box 2327, Arlington, VA 22202.

Nelson F. Barros

Name of Person Mailing Paper

Nelson Barros
 Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/379,434 filed on August 23, 1999, of Henry C. Chiou and Dennis J. Carlo entitled TARGETED DELIVERY OF GENES ENCODING INTERFERON, which is a continuation of serial no. 08/819,238 filed on March 17, 1997, which is a continuation-in-part application of serial no. 08/616,023 filed on March 14, 1996.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:

- ☒ 22 page(s) of specification
☒ 7 page(s) of sequence listing
☒ 3 page(s) of claims
☒ 1 page(s) of abstract
☒ 14 sheet(s) of drawing (Figures 1-12E)
☒ 5 page(s) of an executed Declaration Petition and Power of Attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/379,434 as originally filed on August 23, 1999.

2. ☐ Applicant claims small entity status. See 37 CFR 1.2.

3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED		NUMBER EXTRA
TOTAL	* 16	MINUS ** 20	= 0
INDEP.	* 2	MINUS *** 3	= 0

☐ MULTIPLE DEPENDENT CLAIMS

SMALL ENTITY

RATE	FEE
x 9 =	\$.00
x 42 =	\$.00
+140 =	\$.00
BASIC FEE	\$.00
TOTAL	\$.00

OR

OTHER THAN A SMALL ENTITY

RATE	FEE
x 18 =	\$ 0.00
x 84 =	\$ 0.00
+ 280 =	\$.00
BASIC FEE	\$ 740.00
TOTAL	\$ 740.00

OR

4. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5. ☒ A check in the amount of \$740.00 is enclosed for payment of the filing fee.

09904425-1

The PTO did not receive the following
 (check items) *Advised Fee \$740.00*

6. ☒ Cancel in this application original claims 2-30 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting before the first line the sentences: "This application is a continuation of U.S. Patent Application No. 09/379,434 filed on August 23, 1999, which is a continuation of U.S. Patent Application No. 08/819,238 filed on March 17, 1997, which is a continuation-in-part of U.S. Patent Application No. 08/616,023 filed on March 14, 1996, the contents of which are incorporated by reference herein."
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☐ Transfer the drawings from the pending prior application to this application.
11. ☐ Priority of application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
☐ The certified copy has been filed in prior application serial no. _____ filed on _____.
☐ The certified copy will follow.
12. ☒ The prior application is assigned of record to The Immune Response Corporation, Reel 8617, Frame 0342-0346.
13. ☐ Also enclosed is:
14. ☒ The power of attorney in the prior application is to Lahive & Cockfield, LLP.
a. ☒ The power appears in the original papers in the prior application.
b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
c. ☐ A new power has been executed and is attached.
15. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Guilio A. DeConti, Jr., Esq. at Customer Number: 000959 whose address is:

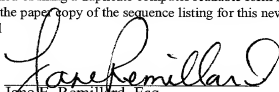
Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

16. ☐ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.
17. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/379,434. Please use the computer readable form of application serial no. 09/379,434 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/379,434 are the same.

November 26, 2001

Date

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
Tel. (617) 227-7400


Jane E. Remillard, Esq.

Reg. No. 38,872

- ☒ inventor(s) ☐ filed under §1.34(a)
☐ assignee of complete interest
☒ attorney or agent of record

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